
PHYSICAL DOCUMENT

LPS-n255290-v1

NOTICE OF VIOLATION AND INTENT TO FILE SUIT

| | |
|---|---|
| **Author:** | Davila, Brittany |
| **Document Type:** | LETTER |
| **LSA(s):** | |
| **Co-Counsel:** | |
| **Counsel LSA(s):** | |
| **Distribution List:** | Davila, Brittany (ENRD);Lattin, Sue (ENRD);Rose, Robert (ENRD);Reed, Jason (ENRD);True, Michael (ENRD);Goldsmith, Reese (ENRD) |
| **Fileroom:** | LPS - Main Justice |
| **DJ#:** | |
| **Case Name:** | |
| **Court:** | |
| **Notes:** | SCANNED/UNASSIGNED |
| **Double-Sided:** | 0 |
| **Received Date:** | 3/22/2017 |
| **Urgent:** | |
| **Oversize:** | |
| **Bound Document:** | |

3803934 (3D)

LOS ANGELES WATERKEEPER®

ORANGE COUNTY COASTKEEPER®
3151 Airway Avenue, Suite F-110
Costa Mesa, CA 92626
Phone 714-850-1965
Fax 714-850-1592
www.coastkeeper.org

Inland Empire Waterkeeper
*Advocacy • Education • Restoration • Enforcement*
6876 Indiana Ave Suite D
Riverside, California 92506
Office 951.530.8823
Fax 951.530.8824
www.iewaterkeeper.org

March 13, 2017

**VIA CERTIFIED MAIL**

Cemex Construction Materials Pacific LLC
Attn: Managing Agent
13220 Santa Ana Avenue
Fontana, California 92337

**VIA U.S. MAIL**

CORPORATE CREATIONS NETWORK INC.
Registered Agent for Service of Process for
Cemex Construction Materials Pacific LLC
1430 Truxtun Avenue, 5th Floor
Bakersfield, California 93301

**Re: Notice of Violation and Intent to File Suit Under the Clean Water Act**

To Whom It May Concern:

I am writing on behalf of Los Angeles Waterkeeper, Orange County Coastkeeper, and Inland Empire Waterkeeper (collectively "Waterkeeper") regarding violations of the Clean Water Act[1] and California's Industrial Storm Water Permit[2] ("Storm Water Permit") occurring at: 13220 Santa Ana Avenue, Fontana, California 92337 ("Facility"). The purpose of this letter is to put Cemex Construction Materials Pacific LLC ("Cemex") as the owner(s) and operator(s) of the Facility, on notice of the violations of the Storm Water Permit occurring at the Facility, including, but not limited to, discharges of polluted storm water from the Facility into local surface waters. Violations of the Storm Water Permit are violations of the Clean Water Act. As explained below, Cemex is liable for violations of the Storm Water Permit and the Clean Water Act.

Section 505(b) of the Clean Water Act, 33 U.S.C. § 1365(b), requires that sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(a), a citizen must give notice of his/her intention to file suit. Notice must be given to the

[1] Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 et seq.
[2] National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001, Water Quality Order No. 92-12-DWQ, Order No. 97-03-DWQ, as amended by Order No. 2014-0057-DWQ.

alleged violator, the Administrator of the United States Environmental Protection Agency ("EPA"), the Regional Administrator of the EPA, the Executive Officer of the water pollution control agency in the State in which the violations occur, and, if the alleged violator is a corporation, the registered agent of the corporation. *See* 40 C.F.R. § 135.2(a)(1). This letter is being sent to you as the responsible owner and operator of the Facility or as the registered agent for this entity. This notice letter ("Notice Letter") is issued pursuant to 33 U.S.C. §§ 1365(a) and (b) of the Clean Water Act to inform Cemex that Waterkeeper intends to file a federal enforcement action against Cemex for violations of the Storm Water Permit and the Clean Water Act sixty (60) days or soon thereafter from the date of this Notice Letter.

Cemex is also the owner and/or operator of two additional ready-mix facilities that Waterkeeper has put on notice of similar Clean Water Act violations. These facilities are located at: 2722 N. Alameda Street, Compton, California 90222 and 16161 Construction Circle East, Irvine, California 92614.

## I. BACKGROUND

### A. Los Angeles Waterkeeper, Orange County Coastkeeper, and Inland Empire Waterkeeper

Los Angeles Waterkeeper is a non-profit 501(c)(3) public benefit corporation organized under the laws of California with its main office at 120 Broadway, Suite 105, Santa Monica, California 90401. Founded in 1993, Waterkeeper has approximately 3,000 members who live and/or recreate in and around the Los Angeles area.

Founded in 1999, Orange County Coastkeeper is a non-profit public benefit corporation organized under the laws of the State of California with its office at 3151 Airway Avenue, Suite F-110, Costa Mesa, California 92626. Inland Empire Waterkeeper's office is located at 6876 Indiana Avenue, Suite D, Riverside, California 92506. Inland Empire Waterkeeper is a program of Orange County Coastkeeper. Together, Inland Empire Waterkeeper and Orange County Coastkeeper have over 2,000 members who live and/or recreate in and around the Santa Ana River watershed.

Los Angeles Waterkeeper, Orange County Coastkeeper, and Inland Empire Waterkeeper, and are dedicated to the preservation, protection, and defense of the environment, wildlife, and natural resources of the Los Angeles, Orange County, and Inland Empire watersheds. To further these goals, these groups actively seek federal and state agency implementation of the Clean Water Act, and, where necessary, directly initiates enforcement actions on behalf of themselves and their members.

Members of Orange County Coastkeeper, Inland Empire Waterkeeper, and Los Angeles Waterkeeper enjoy the waters that the Facility discharges into, including the Santa Ana River. Members of Los Angeles Waterkeeper, Orange County Coastkeeper, and Inland Empire Waterkeeper use and enjoy the Santa Ana River for its commercial and recreational fishing,

estuarine habitat and the rare, threatened and endangered species it supports, the wildlife habitat, marine habitat, and other designated beneficial uses. The discharge of pollutants from the Facility impairs each of these uses. Further, discharges of polluted storm water from the Facility are ongoing and continuous. Thus, the interests of Los Angeles Waterkeeper, Orange County Coastkeeper, and Inland Empire Waterkeeper's members have been, are being, and will continue to be adversely affected by Cemex's failure to comply with the Clean Water Act and the Storm Water Permit.

**B. The Owners and/or Operators of the Facility**

Information available to Waterkeeper indicates that Cemex Construction Materials Pacific LLC is an owner and/or operator of the Facility since at least 1992. Cemex Construction Materials Pacific LLC is an active Delaware corporation registered to operate in California. Its registered agent for service of process is: Corporate Creations Network Inc., 1430 Truxtun Avenue, 5th Floor, Bakersfield, California 93301.

Waterkeeper refers to Cemex Construction Materials Pacific LLC as the "Facility Owner and/or Operator."

The Facility Owner and/or Operator has violated and continues to violate the procedural and substantive terms of the Storm Water Permit including, but not limited to, the illegal discharge of pollutants from the Facility into local surface waters. As explained herein, the Facility Owner and/or Operator is liable for violations of the Storm Water Permit and the Clean Water Act.

**C. The Facility's Storm Water Permit Coverage**

Certain classified facilities that discharge storm water associated with industrial activity are required to apply for coverage under the Storm Water Permit by submitting a Notice of Intent ("NOI") to the State Water Resources Control Board ("State Board") to obtain Storm Water Permit coverage. *See* Storm Water Permit, Finding #12. The Facility first obtained Storm Water Permit coverage on March 31, 1992. On August 31, 2015, Cemex submitted an NOI to continue Permit coverage at the Facility ("2015 NOI"). The 2015 NOI identifies the owner/operator of the Facility as "Cemex Construction Materials Pacific LLC" and the Facility name and location as "Cemex Construction Materials Pacific LLC, 13220 Santa Ana Ave, Fontana CA 92337." The 2015 NOI lists the Facility as 5.5 acres in size and the percentage of imperviousness is not listed. The NOI lists the Waste Discharge Identification ("WDID") number for the Facility as 8 36I001911.

The NOI lists the Standard Industrial Classification ("SIC") code for the Facility as 3273 (ready-mixed concrete). SIC code 3273 facilities must obtain Storm Water Permit coverage for the entire facility. *See* Storm Water Permit, Attachment A, ¶ 2. Information available to Waterkeeper, including the Facility SWPPP describing vehicle and equipment maintenance and storage at the Facility, indicates that SIC code 4231 (terminal and joint terminal maintenance

facilities for motor freight transportation) and/or 4212 (local trucking without storage) also apply to the Facility.

**D. Storm Water Pollution and the Waters Receiving Discharges from the Facility**

With every significant rainfall event millions of gallons of polluted storm water originating from industrial operations such as the Facility pour into storm drains and local waterways. The consensus among agencies and water quality specialists is that storm water pollution accounts for more than half of the total pollution entering surface waters each year. Such discharges of pollutants from industrial facilities contribute to the impairment of downstream waters and aquatic dependent wildlife. As the Clean Water Act requires, these contaminated discharges can and must be controlled for the ecosystem to regain its health.

Polluted discharges from concrete mixing facilities such as the Facility contain pH affecting substances; metals, such as iron and aluminum; toxic metals, such as lead, zinc, cadmium, chromium, copper, arsenic, and mercury; chemical oxygen demand ("COD"); biological oxygen demand ("BOD"); total suspended solids ("TSS"); Nitrate Plus Nitrite ("N+N"); benzene; gasoline and diesel fuels; fuel additives; coolants; antifreeze; total kjehldahl nitrogen ("TKN"); trash; and oil and grease ("O&G"). Many of these pollutants are on the list of chemicals published by the State of California as known to cause cancer, birth defects, and/or developmental or reproductive harm. Health & Saf. Code §§ 25249.5-25249.1. Discharges of polluted storm water to the Santa Ana River pose carcinogenic and reproductive toxicity threats to the public and adversely affect the aquatic environment.

The Facility discharges into San Sevaine Channel, which is a tributary of Reach 3 of the Santa Ana River. Reach 3 of the Santa Ana River flows into Reach 2 which flows into Reach 1 and ultimately the Pacific Ocean at the Huntington Beach State Park. Waterkeeper refers to these surface waters collectively as the "Receiving Waters." The Receiving Waters are ecologically sensitive areas. Although pollution and habitat destruction have drastically diminished once-abundant and varied fisheries, these waters are still essential habitat for dozens of fish and bird species as well as invertebrate species, including at least two rare and/or threatened aquatic species. Storm water and non-storm water contaminated with sediment, heavy metals, and other pollutants harm the special biological significance of the Receiving Waters.

The California Regional Water Quality Control Board, Santa Ana Region Regional Board ("Regional Board") issued the Basin Plan for the Santa Ana River Basin ("Basin Plan"). The Basin Plan identifies the "Beneficial Uses" of water bodies in the region. The existing and potential Beneficial Uses for San Sevaine Channel downstream of the point at which it receives storm water discharges from the Facility include: Municipal and Domestic Supply, Groundwater Recharge, Water Contact Recreation, Non-contact Water Recreation, Cold Freshwater Habitat, and Wildlife Habitat. *See* Basin Plan at Table 3-1. The existing and potential Beneficial Uses of Reach 3 of the Santa Ana River are: Agricultural Supply, Groundwater Recharge, Water Contact Recreation, Non-Contact Water Recreation, Warm Freshwater Habitat, Wildlife Habitat, Rare,

Threatened or Endangered Species, and Spawning, Reproduction and Development. *See* Basin Plan at Table 3-1. The existing and potential Beneficial Uses of Reach 2 of the Santa Ana River are: Agricultural Supply, Groundwater Recharge, Water Contact Recreation, Non-contact Water Recreation, Warm Freshwater Habitat, Wildlife Habitat, and Rare, Threatened or Endangered Species. *See* Basin Plan at Table 3-1. The existing and potential Beneficial Uses of Reach 1 of the Santa Ana River are: Water Contact Recreation (access prohibited), Non-Contact Water Recreation, Warm Freshwater Habitat, and Wildlife Habitat. *See* Basin Plan at Table 3-1.

According to the 2012 303(d) List of Impaired Water Bodies, Reach 3 of the Santa Ana River downstream of the Facility is impaired for: copper, lead, and pathogens.[3] Reach 2 of the Santa Ana River is impaired for: indicator bacteria.[4] Polluted discharges from industrial sites, such as the Facility, contribute to the degradation of these already impaired surface waters and aquatic-dependent wildlife.

## II. THE FACILLITY AND ASSOCIATED DISCHARGES OF POLLUTANTS

### A. The Facility Site Description and Industrial Activities

The Facility is a concrete mixing facility that produces ready-mixed concrete that is located at the intersection of Santa Ana Avenue and Jasmine Street in Fontana. Concrete is produced by mixing aggregate (sand, gravel, or crushed stone), cement (a fine powder), fly ash, chemical additives, and water.

The areas of industrial activity at the Facility include a batch plant process area with cement and fly ash silos, admixture storage and handling areas, aggregate storage and handling areas with conveyors and stockpiles, process water areas, vehicle traffic and parking areas, vehicle fueling and truck parking areas, and a maintenance shop.

Information available to Waterkeeper indicates that the industrial activities at the Facility include but are not limited to: receiving raw materials from off site; concrete production; concrete truck loading; vehicle and equipment maintenance; storage of hazardous materials, such as diesel fuel, new vehicle fluids, and hazardous waste vehicle fluids; concrete truck parking; unloading of sand and gravel; storage of sand and gravel; storage of cement; storage of chemical additives; storage of fly ash and cement; weighing sand, gravel, cement, and lime; cement mixing; mixing appropriate amounts of sand, gravel, and cement; generation of process water; and generation of vehicle wash-water.

---

[3] 2012 Integrated Report – All Assessed Waters, *available at* http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml (last accessed on February 22, 2017).
[4] *Id.*

**B. Pollutants and Pollutant Sources Related to the Facility Industrial Activities**

The areas of industrial activity and industrial activities at the Facility are sources of pollutants. The pollutants associated with industrial activities at the Facility include, but are not limited to: pH affecting substances; metals, such as iron and aluminum; toxic metals, such as lead, zinc, cadmium, chromium, copper, arsenic, and mercury; COD; BOD; TSS; N+N; benzene; gasoline and diesel fuels; fuel additives; coolants; antifreeze; TKN; trash; and O&G.

Information available to Waterkeeper also indicates that concrete, particulates of sand, gravel, and cement have been and continue to be tracked from vehicle maintenance and equipment washing areas throughout the Facility. These pollutants accumulate at the sand and gravel storage areas and near the silos, the loading and unloading areas, and the driveways leading onto Santa Ana Avenue and Jasmine Street. As a result, trucks and vehicles leaving the Facility via the driveways are pollutant sources tracking sediment, dirt, oil and gas, metal particles, and other pollutants off site.

Information available to Waterkeeper indicates that raw materials are stored outside and weighing and mixing activities occur outside without adequate cover or containment resulting in discharges of polluted storm water. Additionally, metal parts and hazardous materials associated with maintenance, fueling, and washing of the concrete trucks occur outside without secondary containment or other measures to prevent polluted storm water and prohibited non-storm water discharges from discharging from the Facility. These activities are all significant pollutant sources at the Facility.

Information available to Waterkeeper indicates the Facility Owner and/or Operator has not properly developed and/or implemented the required best management practices ("BMPs") to address the pollutant sources and associated pollutants at the Facility. BMPs are necessary at the Facility to prevent the exposure of pollutants to precipitation and the subsequent discharge of polluted storm water from the Facility during rain events. As a result of the Facility Owner and/or Operator's failure to develop and/or implement adequate BMPs, during rain events storm water carries pollutants from the Facility's stockpile or material storage area(s), truck parking area(s), maintenance area(s), add-mix area(s), batch plant area(s), washing area(s), and other areas into the storm sewer system, which flows into the Receiving Waters, in violation of the Storm Water Permit and the Clean Water Act. The Facility Owner and/or Operator's failure to develop and/or implement required BMPs also results in prohibited discharges of non-storm water in violation of the Storm Water Permit and the Clean Water Act. Information available to Waterkeeper indicates that process waters discharge from Facility equipment washing and other industrial activity areas.

These illegal discharges of polluted storm and non-storm water negatively impact Waterkeeper's members' use and enjoyment of the Receiving Waters by degrading the quality of the Receiving Waters and by posing risks to human health and aquatic life.

### C. Facility Storm Water Flow and Discharge Locations

In the Facility SWPPP, the Facility Owner and/or Operator reports that storm water flows to the south of the Facility, which is considered one drainage area. The Facility Owner and/or Operator also reports that there is one discharge location: the driveway leading onto Jasmine Street.

However, information available to Waterkeeper indicates that there is at least one additional discharge location at the Facility. The Facility is located at the portion of Santa Ana Avenue that curves and becomes Jasmine Street. There is one driveway onto Santa Ana Avenue at the eastern end of the Facility, and another driveway at the curvature of the street at the western end of the Facility onto Jasmine Street. Information available to Waterkeeper, including direct observations, indicates that storm water discharges from both driveways. Thus there are at least two (2) discharge locations at the Facility.

Discharges from the Facility flow into the City of Fontana storm drains. After the storm water enters the storm drains it is carried to the Receiving Waters.

## III. VIOLATIONS OF THE CLEAN WATER ACT AND THE STORM WATER PERMIT

In California, any person who discharges storm water associated with industrial activity must comply with the terms of the Storm Water Permit in order to lawfully discharge pollutants. *See* 33 U.S.C. §§ 1311(a), 1342; 40 C.F.R. § 122.26(c)(1); *see also* Storm Water Permit, Fact Sheet at VII.

Between 1997 and June 30, 2015, the Storm Water Permit in effect was Order No. 97-03-DWQ, which Waterkeeper refers to as the "1997 Permit." On July 1, 2015, pursuant to Order No. 2014-0057-DWQ the Storm Water Permit was reissued, and, as explained below, includes terms that are as stringent or more stringent than the 1997 Permit. For purposes of this Notice Letter, Waterkeeper refers to the reissued permit as the "2015 Permit." Accordingly, the Facility Owner and/or Operator is liable for violations of the 1997 Permit and ongoing violations of the 2015 Permit, and civil penalties and injunctive relief are available remedies. *See Illinois v. Outboard Marine, Inc.*, 680 F.2d 473, 480-81 (7th Cir. 1982) (relief granted for violations of an expired permit); *Sierra Club v. Aluminum Co. of Am.*, 585 F. Supp. 842, 853-54 (N.D.N.Y. 1984) (holding that the Clean Water Act's legislative intent and public policy favor allowing penalties for violations of an expired permit); *Pub. Interest Research Group of N.J. v. Carter-Wallace, Inc.*, 684 F. Supp. 115,121-22 (D.N.J. 1988) ("Limitations of an expired permit, when those limitations have been transferred unchanged to the newly issued permit, may be viewed as currently in effect").

### A. Unauthorized Non-Storm Water Discharges from the Facility in Violation of Storm Water Permit Discharge Prohibitions

Except as authorized by Special Conditions D(1) of the Storm Water Permit, Discharge

Prohibition A(1) prohibits permittees from discharging materials other than storm water (non-storm water discharges) either directly or indirectly to waters of the United States. The 2015 Permit includes the same discharge prohibition. *See* 2015 Permit, Discharge Prohibition III.B. Prohibited non-storm water discharges must be either eliminated or permitted by a separate NPDES permit. *See* Storm Water Permit, Discharge Prohibition A(1); *see also* 2015 Permit, Discharge Prohibition III.B.

Information available to Waterkeeper indicates that unauthorized non-storm water discharges occur at the Facility due to inadequate BMP development and/or implementation necessary to prevent these discharges. For example, unauthorized non-storm water discharges occur at the Facility when truck washing and cleaning activities occur. The Facility Owner and/or Operator conduct these activities without BMPs to prevent related non-storm water discharges. Non-storm water discharges resulting from washing and cleaning are not from sources that are listed among the authorized non-storm water discharges in Special Conditions D(1) of the Storm Water Permit and thus are always prohibited under the Storm Water Permit.

Waterkeeper puts the Facility Owner and/or Operator on notice that the Storm Water Discharge Prohibitions are violated each time non-storm water is discharged from the Facility. *See* 1997 Permit, Discharge Prohibition D(1); *see also* 2015 Permit, Discharge Prohibition III.B. These discharge violations are ongoing and will continue until the Facility Owner and/or Operator develop and implement BMPs that prevent prohibited non-storm water discharges or obtains separate NPDES permit coverage. Each time the Facility Owner and/or Operator discharges prohibited non-storm water in violation of Discharge Prohibition A(1) of the 1997 Permit and Discharge Prohibition III.B. of the 2015 Permit is a separate and distinct violation of the Storm Water Permit and section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). Waterkeeper will update the number and dates of violations when additional information becomes available. The Facility Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since March 13, 2012.

### B. Discharges of Polluted Storm Water from the Facility in Violation of Storm Water Permit Effluent Limitations

Effluent Limitation B(3) of the 1997 Permit requires dischargers to reduce or prevent pollutants associated with industrial activity in storm water discharges through implementation of BMPs that achieve Best Available Technology Economically Achievable ("BAT") for toxic[5] and non-conventional pollutants and Best Conventional Pollutant Control Technology ("BCT") for conventional pollutants.[6] The 2015 Permit includes the same effluent limitation. *See* 2015 Permit, Effluent Limitation V.A.

---

[5] Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, benzene, arsenic, lead, and zinc, among others.

[6] Conventional pollutants are listed at 40 C.F.R. § 401.16 and include biochemical oxygen demand, TSS, oil and grease, pH, and fecal coliform.

Information available to Waterkeeper, including its review of publicly available information and observations, BMPs that achieve BAT/BCT have not been implemented at the Facility. For example, a report of a site inspection conducted by the Regional Board on August 21, 2013, states that the Facility's BMPs need improvement and notes that storm water discharges from the Facility contain pollutant concentrations above EPA benchmark levels. EPA benchmarks are relevant and objective standards for evaluating whether a permittee's BMPs achieve compliance with BAT/BCT standards as required by Effluent Limitation B(3) of the 1997 Permit and Effluent Limitation V.A. of the 2015 Permit.[7] The table in Exhibit 1 sets forth the results of samples collected by Waterkeeper as well as the Facility Owner and/or Operator. The ongoing, repeated and significant exceedances of EPA Benchmarks for pH, iron, N+N, and TSS as shown in Exhibit 1 demonstrates that the Facility Owner and/or Operator has failed and continues to fail to develop and/or implement BMPs at the Facility as required to achieve compliance with the BAT/BCT standards.

Waterkeeper puts the Facility Owner and/or Operator on notice that the Storm Water Permit Effluent Limitations are violated each time storm water discharges from the Facility. *See, e.g.*, Exhibit 2 (setting forth dates of rain events resulting in a discharge at the Facility).[8] These discharge violations are ongoing and will continue every time Cemex discharges polluted storm water from the Facility without developing and/or implementing BMPs that achieve compliance with the BAT/BCT standards. Waterkeeper will update the dates of violations when additional information and data become available. Each time Cemex discharges polluted storm water in violation of Effluent Limitation B(3) of the 1997 Permit and Effluent Limitation V.A. of the 2015 Permit is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). The Facility Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since March 13, 2012.

Further, Waterkeeper puts the Facility Owner and/or Operator on notice that 2015 Permit Effluent Limitation V.A. is an independent requirement with which Cemex must comply, and that carrying out the iterative process triggered by exceedances of the Numeric Action Levels ("NALs") listed at Table 2 of the 2015 Permit does not amount to compliance with Effluent Limitation V.A. Exceedances of the NALs demonstrate that a facility (such as the Facility at issue here) is among the worst performing facilities in the State. However, the NALs do not represent technology-based criteria relevant to determining whether an industrial facility has implemented BMPs that achieve BAT/BCT. And even if the Facility Owner and/or Operator submit any Exceedance Response Action Plan(s) pursuant to Section XII. of the 2015 Permit, the violations of Effluent Limitation V.A. described in this Notice Letter are ongoing.

---

[7] *See United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) Authorization to Discharge Under the National Pollutant Discharge Elimination System*, as modified effective February 26, 2009 ("Multi-Sector Permit"), Fact Sheet at 106; *see also*, 65 Federal Register 64839 (2000).

[8] Dates of significant rain events are measured at the Deer Creek Dam rain gauge. A significant rain event is defined by EPA as a rainfall event generating 0.1 inches or more of rainfall, which generally results in discharges at a typical industrial facility.

### C. Discharges of Polluted Storm Water from the Facility in Violation of Storm Water Permit Receiving Water Limitations

Receiving Water Limitation C(2) of the 1997 Permit prohibits storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of an applicable Water Quality Standard ("WQS").[9] The 2015 Permit includes the same receiving water limitation. *See* 2015 Permit, Receiving Water Limitation VI.A. Discharges that contain pollutants in excess of applicable WQS violate the Storm Water Permit Receiving Water Limitations. *See* 1997 Permit, Receiving Water Limitation C(2); 2015 Permit, Receiving Water Limitation VI.A.

Receiving Water Limitation C(1) of the 1997 Permit prohibits storm water discharges and authorized non-storm water discharges to surface water that adversely impact human health or the environment. The 2015 Permit includes the same receiving water limitation. *See* 2015 Permit, Receiving Water Limitation VI.B. Discharges that contain pollutants in concentrations that exceed levels known to adversely impact aquatic species and the environment constitute violations of the Storm Water Permit Receiving Water Limitations. *See* 1997 Permit, Receiving Water Limitation C(1); 2015 Permit, Receiving Water Limitation VI.B.

Storm water sampling at the Facility demonstrates that discharges contain concentrations of pollutants that cause or contribute to a violation of an applicable WQS. For example, the WQS from the Basin Plan for pH is 6.5-8.5 s.u. On March 29, 2006, storm water discharging from the Facility measured a pH level of 10.85 s.u., 2.35 s.u. above the maximum allowable pH—nearly three orders of magnitude above the maximum pH WQS. *See* Ex. 1. The levels of pH remain high in storm water discharging from the Facility; on September 15, 2015, storm water discharging from the Facility measured a pH level of 10 s.u., 1.0 s.u. above the maximum allowable pH—one order of magnitude above the maximum pH WQS, and on January 5, 2016, storm water discharging from the Facility measured a pH level of 9.4 s.u., 0.9 s.u. above the maximum allowable pH—nearly one order of magnitude above the maximum pH WQS. *See* Ex. 1.

As explained herein, the Receiving Waters are impaired, and thus unable to support the designated beneficial uses, for some of the same pollutants discharging from the Facility. The 2012 303(d) List of Impaired Water Bodies lists the Receiving Waters as impaired for multiple pollutants, including pH. Information available to Waterkeeper indicates that the Facility's storm water discharges contain elevated concentrations of pollutants, such as iron and pH, which can be acutely toxic and/or have sub-lethal impacts on the avian and aquatic wildlife in the Receiving

[9] The Basin Plan designates Beneficial Uses for the Receiving Waters. Water quality standards are pollutant concentration levels determined by the state or federal agencies to be protective of designated Beneficial Uses. Discharges above water quality standards contribute to impairment of Receiving Waters' Beneficial Uses. Applicable water quality standards include, among others, the Criteria for Priority Toxic Pollutants in the State of California, 40 C.F.R. § 131.38 ("CTR"), and water quality objectives in the Basin Plan. Industrial storm water discharges must strictly comply with water quality standards, including those criteria listed in the applicable basin plan. *See Defenders of Wildlife v. Browner*, 191 F.3d 1159, 1166-67 (9th Cir. 1999).

Waters. *See, e.g.,* Exhibit 1. In particular, storm water discharged with high pH can damage the gills and skin of aquatic organisms and cause death at levels above 10 standard units. The pH scale is logarithmic and the solubility of a substance varies as a function of the pH of a solution. A one whole unit change in SU represents a tenfold increase or decrease in ion concentration. If the pH of water is too high or too low, the aquatic organisms living within it will become stressed or die. Discharges of elevated concentrations of pollutants in the storm water from the Facility also adversely impact human health. These harmful discharges from the Facility are violations of the Storm Water Permit Receiving Water Limitations. *See* 1997 Permit, Receiving Water Limitation C(1); 2015 Permit, Receiving Water Limitation VI.

Waterkeeper puts the Facility Owner and/or Operator on notice that Storm Water Permit Receiving Water Limitations are violated each time polluted storm water discharges from the Facility. *See, e.g.,* Exhibit 2. These discharge violations are ongoing and will continue every time contaminated storm water is discharged in violation of the Storm Water Permit Receiving Water Limitations. Each time discharges of storm water from the Facility cause or contribute to a violation of an applicable WQS, it is a separate and distinct violation of Receiving Water Limitation C(2) of the 1997 Permit, Receiving Water Limitation VI.A. of the 2015 permit, and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). Waterkeeper will update the dates of violation when additional information and data becomes available. The Facility Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since March 13, 2012.

Further, Waterkeeper puts the Facility Owner and/or Operator on notice that 2015 Permit Receiving Water Limitations are independent Permit requirements with which Cemex must comply, and that carrying out the iterative process triggered by exceedances of the NALs listed at Table 2 of the 2015 Permit does not amount to compliance with the Receiving Water Limitations. The NALs do not represent water quality based criteria relevant to determining whether an industrial facility has caused or contributed to an exceedance of a water quality standard.[10] Even if the Facility Owner and/or Operator submits any Exceedance Response Action Plan(s) pursuant to Section XII. Of the 2015 Permit, the violations of the Receiving Water Limitations described in this Notice Letter are ongoing.

### D. Failure to Develop, Implement, and/or Revise an Adequate Storm Water Pollution Prevention Plan

The Storm Water Permit Requires permittees to develop and implement Storm Water Pollution Prevention Plans prior to conducting, and in order to continue, industrial activities. The specific SWPPP requirements of the 1997 Permit and the 2015 Permit are set out below.

[10] "The NALs are not intended to serve as technology-based or water quality-based numeric effluent limitations. The NALs are not derived directly from either BAT/BCT requirements or receiving water objectives. NAL exceedances defined in [the 2015] Permit are not, in and of themselves, violations of [the 2015] Permit." 2015 Permit, Finding 63, p. 11. The NALs do, however, trigger reporting requirements. *See* 2015 Permit, Section XII.

### 1. 1997 Permit SWPPP Requirements

Section A(1) and Provision E(2) of the 1997 Permit require discharges to have developed and implemented a SWPPP by October 1, 1992, or prior to beginning industrial activities, that meets all of the requirements of the Storm Water Permit. The objectives of the 1997 Permit SWPPP requirement are to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges from the Facility and to implement site-specific BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges. *See* 1997 Permit, Section A(2). These BMPs must achieve compliance with the Storm Water Permit's Effluent Limitations and Receiving Water Limitations.

To ensure compliance with the Storm Water Permit, the SWPPP must be evaluated on an annual basis pursuant to the requirements of Section A(9) of the 1997 Permit, and must be revised as necessary to ensure compliance with the Storm Water Permit. 1997 Permit, Sections A(9) and (10). Sections A(3) – A(10) of the 1997 Permit set forth the requirements for a SWPPP. Among other requirements, the SWPPP must include: a site map showing the facility boundaries, storm water drainage areas with flow patterns, nearby water bodies, the location of the storm water collection, conveyance and discharge system, structural control measures, areas of actual and potential pollutant contact, areas of industrial activity, and other features of the facility and its industrial activities (see 1997 Permit, Section A(4)); a list of significant materials handled and stored at the site (see 1997 Permit, Section A(5)); a description of potential pollutant sources, including industrial processes, material handling and storage areas, dust and particulate generating activities, significant spills and leaks, non-storm water discharges and their sources, and locations where soil erosion may occur (see 1997 Permit, Section A(6)).

Sections A(7) and A(8) of the 1997 Permit require an assessment of potential pollutant sources at the facility and description of the BMPs to be implemented at the facility that will reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges, including structural BMPs where non-structural BMPs are not effective.

### 2. 2015 Permit SWPPP Requirements

As with the SWPPP requirements of the 1997 Permit, Sections X(A) - (H) of the 2015 Permit require dischargers to have developed and implemented a SWPPP that meets all of the requirements of the 2015 Permit. *See also* 2015 Permit, Appendix 1. The objective of the SWPPP requirements are still to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges, and to implement site-specific BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges. *See* 2015 Permit, Section X(C).

The SWPPP must include, among other things and consistent with the 1997 Permit, a narrative description and summary of all industrial activity, potential sources of pollutants, and potential pollutants; a site map indicating the storm water conveyance system, associated points of discharge, direction of flow, areas of actual and potential pollutant contact, including the

extent of pollution-generating activities, nearby water bodies, and pollutant control measures; a description of the BMPs developed and implemented to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges necessary to comply with the Storm Water Permit; the identification and elimination of non-storm water discharges; the location where significant materials are being shipped, stored, received, and handled, as well as the typical quantities of such materials and the frequency with which they are handled; a description of dust and particulate-generating activities, and; the identification of individuals and their current responsibilities for developing and implementing the SWPPP. 2015 Permit, Section X(A)-(H).

Further, the 2015 Permit requires the discharger to evaluate the SWPPP on an annual basis and revise it as necessary to ensure compliance with the Storm Water Permit. 2015 Permit, Section X(A)-(B). Like the 1997 Permit, the 2015 Permit also requires that the discharger conduct an annual comprehensive site compliance evaluation that includes a review of all visual observation records, inspection reports and sampling and analysis results, a visual inspection of all potential pollutant sources for evidence of, or the potential for, pollutants entering the drainage system, a review and evaluation of all BMPs to determine whether the BMPs are adequate, properly implemented and maintained, or whether additional BMPs are needed, and a visual inspection of equipment needed to implement the SWPPP. 2015 Permit, Section X(B) and Section XV.

### 3. The Facility Owner and/or Operator Has Violated and Continues to Violate the Storm Water Permit SWPPP Requirements

Information available to Waterkeeper indicates that the Facility Owner and/or Operator has been and continues to conduct operations at the Facility with an inadequately developed and/or implemented SWPPP. For example, site map included in the SWPPP dated May 2015 fails to include: notes, legends, a north arrow, or other data need to ensure the map is understandable, an accurate depiction of the discharge locations, areas of imperviousness, the location of the storm water collection system and municipal storm drains that receive the Facility's storm water discharges, locations and descriptions of structural control measures, e.g., settling ponds reportedly related to the truck wash, areas of actual and potential pollutant contact, including the extent of pollution-generating activities, or areas of industrial activity including admix storage areas, waste oil storage areas, vehicle fueling areas, shipping and receiving areas, vehicle and equipment storage areas, dust or particulate generating areas.

Further, the SWPPP fails to identify all significant materials and potential pollutants at the Facility and BMPs that prevent or reduce the discharge of pollutants at the Facility achievable through implementation of BAT/BCT. For example, in its assessment of pollutant sources the Facility Owner and/or Operator identifies fine cement dust as a source for pH and iron that is "difficult to sweep up [] at a level that does not adversely impact storm water." However, the Facility Owner and/or Operator has failed and continues to fails to adequately develop and implement BMPs via the SWPPP to address this assessed pollutant source. *See* Ex. 1 (demonstrating high pH levels and high concentrations of iron). Nor has the Facility Owner

and/or Operator adequately revised the SWPPP in response to ongoing high concentrations of pollutants in storm water discharges. Nor does the SWPPP include information required by Section X(H)(6) such as the installation date and the design storm standard, related to detention basins the Facility Owner and/or Operator report are "advanced BMPs" at the Facility.

Accordingly, the Facility Owner and/or Operator has failed and continues to fail to adequately develop, implement, and/or revise a SWPPP, in violation of SWPPP requirements of the Storm Water Permit. Every day the Facility operates with an inadequately developed, implemented, and/or properly revised SWPPP is a separate and distinct violation of the Storm Water Permit and the Clean Water Act. The Facility Owner and/or Operator has been in daily and continuous violation of the Storm Water Permit SWPPP requirements since at least March 13, 2012. These violations are ongoing, and Waterkeeper will include additional violations when information becomes available. The Facility Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since March 13, 2012.

### E. Failure to Develop, Implement, and/or Revise an Adequate Monitoring and Reporting Program

The Storm Water Permit requires permittees to develop and implement storm water monitoring and reporting programs ("M&RPs") prior to conducting, and in order to continue, industrial activities. The specific M&RP requirements of the 1997 and 2015 Permit are set out below.

#### 1. 1997 Permit M&RP Requirements

Section B(1) and Provision E(3) of the 1997 Permit require facility operators to develop and implement an adequate M&RP by October 1, 1992, or prior to the commencement of industrial activities at a facility, that meets all of the requirements of the Storm Water Permit. The primary objective of the M&RP is to detect and measure the concentrations of pollutants in a facility's discharge to ensure compliance with the Storm Water Permit's Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations. *See* 1997 Permit, Section B(2).

The M&RP must therefore ensure that BMPs are effectively reducing and/or eliminating pollutants at the facility, and must be evaluated and revised whenever appropriate to ensure compliance with the Storm Water Permit. *Id.* Sections B(3) – B(16) of the 1997 Permit set forth the M&RP requirements. Specifically, Section B(3) requires dischargers to conduct quarterly visual observations of all drainage areas within their facility for the presence of authorized and unauthorized non-storm water discharges. Section B(4) requires dischargers to conduct visual observations of storm water discharges from one storm event per month during the Wet Season. Sections B(3) and B(4) further require dischargers to document the presence of any floating or suspended material, oil and grease, discolorations, turbidity, odor, and the source of any pollutants. Dischargers must maintain records of observations, observation dates, locations observed, and responses taken to eliminate unauthorized non-storm water discharges and to reduce or prevent pollutants from contacting non-storm water and storm water discharges. *See*

1997 Permit, Sections B(3) and B(4). Dischargers must revise the SWPPP in response to these observations to ensure that BMPs are effectively reducing and/or eliminating pollutants at the facility. *Id.*, Section B(4). Sections B(5) and B(7) of the 1997 Permit require dischargers to visually observe and collect samples of storm water from all locations where storm water is discharged.

The Facility was and/or is a member of the Building Materials Industry Group Monitoring Program, and thus the Facility Owner and/or Operator must comply with the group monitoring provisions set forth in Section B(15) of the 1997 Permit. Under Section B(15) of the 1997 Permit, the Facility Owner and/or Operators must collect at least two (2) samples from each discharge point at the Facility over a five (5) year period. *See* 1997 Permit, Sections B(5), B(7), and B(15). Storm water samples must be analyzed for TSS, pH, specific conductance ("SC"), total organic carbon or O&G, and other pollutants that are likely to be present in the facility's discharges in significant quantities, such as aluminum and nitrate plus nitrite. *See* Storm Water Permit, Section B(5)(c). The 1997 Permit requires facilities classified as SIC code 3273, such as the Facility, to also analyze storm water samples for iron. *See* 1997 Permit, Table D, Sector E.

**2. 2015 Permit M&RP Requirements**

As with the 1997 M&RP requirements, Sections X(I) and XI(A)-XI(D) of the 2015 Permit require facility operators to develop and implement an adequate M&RP that meets all of the requirements of the 2015 Permit. The objective of the M&RP is still to detect and measure the concentrations of pollutants in a facility's discharge, and to ensure compliance with the 2015 Permit's Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations. *See* 2015 Permit, Section XI. An adequate M&RP ensures that BMPs are effectively reducing and/or eliminating pollutants at the facility, and is evaluated and revised whenever appropriate to ensure compliance with the Storm Water Permit. *See id.*

As an *increase* in observation frequency over the 1997 Permit, Section XI(A) of the 2015 Permit requires all visual observations at least once each month, and at the same time sampling occurs at a discharge location. Observations must document the presence of any floating and suspended material, O&G, discolorations, turbidity, odor and the source of any pollutants. 2015 Permit, Section XI(A)(2). Dischargers must document and maintain records of observations, observation dates, locations observed, and responses taken to reduce or prevent pollutants in storm water discharges. 2015 Permit, Section XI(A)(3).

As an *increase* in sampling frequency, Section XI(B)(1-5) of the 2015 Permit requires permittees participating in a group monitoring plan, such as the Facility Owner and/or Operator, to collect storm water discharge samples from a qualifying storm event[11] as follows: 1) from each discharge location; 2) from one storm event within the first half of each reporting year[12]

[11] The 2015 Permit defines a qualifying storm event as one that produces a discharge for at least one drainage area, and is preceded by 48-hours with no discharge from any drainage areas. 2015 Permit, Section XI(B)(1).
[12] A reporting year is defined as July 1 through June 30. 2015 Permit, Findings, ¶ 62(b).

(July 1 to December 31); 3) from one storm event within the second half of each reporting year (January 1 to June 30); and 4) within four hours of the start of a discharge, or the start of facility operations if the qualifying storm event occurs within the previous 12-hour period. Section XI(B)(11) of the 2015 Permit, among other requirements, provides that permittees must submit all sampling and analytical results for all samples via SMARTS within 30 days of obtaining all results for each sampling event.

The parameters to be analyzed are also consistent with the 1997 Permit. Specifically, Section XI(B)(6)(a)-(b) of the 2015 Permit requires permittees to analyze samples for TSS, oil & grease, and pH. In addition, Table 1 of the 2015 Permit requires SIC code 3273 facilities, such as this Facility, to analyze samples for iron. Section XI(B)(6)(c) of the 2015 Permit requires permittees to analyze samples for pollutants associated with industrial operations. Section XI(B)(6) of the 2015 Permit also requires dischargers to analyze storm water samples for additional applicable industrial parameters related to receiving waters with 303(d) listed impairments, or approved Total Maximum Daily Loads.

### 3. The Facility Owner and/or Operator Has Violated and Continue to Violate the Storm Water Permit M&RP Requirements

The Facility Owner and/or Operator has been and continues to conduct operations at the Facility with an inadequately developed, implemented, and/or revised M&RP. For example, the Facility Owner and/or Operator has failed and continues to fail to conduct all required quarterly and/or monthly visual observations of unauthorized discharges. *See* 1997 Permit, Section B(3); *see also* 2015 Permit, Section XI(A)(1). Additionally, the Facility Owner and/or Operator has failed to provide the records required by the Storm Water Permit for the monthly visual observations of storm water discharges in violation of Section B(4) of the 1997 Permit and Section XI(A)(3) of the 2015 Permit.

The Facility Owner and/or Operator has also failed and continues to fail to develop an M&RP that requires the Facility Owner and/or Operator to analyze storm water discharges from the Facility for all required parameters by failing to specify that storm water discharges will be analyzed for, at a minimum, aluminum, COD, BOD, and zinc, in violation of Section B(5)(c) of the 1997 Permit and Section XI(B)(6)(e) of the 2015 Permit. And the Facility Owner and/or Operator failed and continues to fail to implement the M&RP, as samples collected on September 15, 2015, were not analyzed for copper or lead though the Facility M&RP requires that the concentration of those pollutants be analyzed.

In addition, the Facility Owner and/or Operator has failed and continues to fail to develop and M&RP that requires the Facility Owner and/or Operator to collect storm water samples from all discharge locations at the Facility. While Section B(7)(d) of the 1997 Permit and Section XI(C)(4) of the 2015 Permit allow permittees to reduce the number of locations to be sampled, there is no indication in the Facility storm water reports, e.g., SWPPP or M&RP, that the Facility Owner and/or Operator has complied with the requirements of Section B(7)(d) of the 1997

Permit or Section XI(C)(4) to justify sampling a reduced number of discharge locations at the Facility.

Accordingly, the Facility Owner and/or Operator has failed and continues to fail to adequately develop, implement, and/or revise a M&RP, in violation of M&RP requirements of the Storm Water Permit. Every day the Facility operates with an inadequately developed, implemented, and/or properly revised M&RP is a separate and distinct violation of the Storm Water Permit and the Clean Water Act. The Facility Owner and/or Operator has been in daily and continuous violation of the Storm Water Permit M&RP requirements since at least March 13, 2012. These violations are ongoing, and Waterkeeper will include additional violations when information becomes available. The Facility Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since March 13, 2012.

**F. Failure to Comply with the Storm Water Permit's Reporting Requirements**

Section B(14) of the 1997 Permit requires a permittee to submit an Annual Report to the Regional Board by July 1 of each year. Section B(14) requires that the Annual Report include a summary of visual observations and sampling results, an evaluation of the visual observation and sampling results, the laboratory reports of sample analysis, the annual comprehensive site compliance evaluation report, an explanation of why a permittee did not implement any activities required, and other information specified in Section B(13). The 2015 Permit includes the same annual reporting requirement. *See* 2015 Permit, Section XVI.

The Facility Owner and/or Operator has failed and continues to fail to submit Annual Reports that comply with these reporting requirements. For example, in each Annual Report since the filing of the 2011-2012 Annual Report, the Facility Owner and/or Operator certified that: (1) a complete Annual Comprehensive Site Compliance Evaluation was done pursuant to Section A(9) of the Storm Water Permit; (2) the SWPPP's BMPs address existing potential pollutant sources; and (3) the SWPPP complies with the Storm Water Permit, or will otherwise be revised to achieve compliance. However, information available to Waterkeeper indicates that these certifications are erroneous. For example, as discussed above, storm water samples collected from the Facility contain concentrations of pollutants above EPA benchmarks, thus demonstrating that the Facility BMPs do not adequately address existing potential pollutant sources. Further, the Facility's SWPPP does not include many elements required by the Storm Water Permit, and thus it is erroneous to certify that the SWPPP complies with the Storm Water Permit.

The Facility Owners and/or Operators have also submitted incomplete Annual Reports. For instance, visual observation forms submitted with the Facility Annual Reports indicate only that there was no eligible event and do not include any substantive observations, as required by the 1997 Permit.

In addition, the facility operator must report any noncompliance with the Storm Water Permit at the time that the Annual Report is submitted, including 1) a description of the

noncompliance and its cause; 2) the period of noncompliance; 3) if the noncompliance has not been corrected, the anticipated time it is expected to continue; and 4) steps taken or planned to reduce and prevent recurrence of the noncompliance. Storm Water Permit, Section C(11)(d). The Facility Owner and/or Operator has not reported non-compliance as required. Rather, for example, in the 2011-2012 Annual Report the Facility Owner and/or Operator reported that no storm water samples were collected as required because "This site did not have a qualifying storm event that produced a discharge during facility operating hours." However, information available to Waterkeeper indicates that there was at least one qualifying storm event during Facility Operating hours[13] on February 16, 2011.[14] In addition, in a letter dated January 23, 2017, from the Regional Board to the Facility Owner and/or Operator the Regional Board stated: "According to our records, your facility has not sampled for the past two reporting years (2014 to 2015, and 2015 to 2016). Our records also suggested that there were qualifying storm events in your area." Thus the Facility Owner and/or Operator has failed to sample as required and has failed to report its non-compliance.

Given that the Facility Owner and/or Operator has submitted incomplete and/or incorrect Annual Reports that fail to comply with the Storm Water Permit, the Facility Owner and/or Operator is in daily violation of the Storm Water Permit. Every day the Facility Owner and/or Operator conducts operations at the Facility without reporting as required by the Storm Water Permit is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). The Facility Owner and/or Operator has been in daily and continuous violation of the Storm Water Permit's reporting requirements every day since at least March 13, 2012. These violations are ongoing, and Waterkeeper will include additional violations when information becomes available. The Facility Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since March 13, 2012.

### G. Failure to Comply with Level 1 Exceedance Response Action Requirements

When the 2015 Permit became effective on July 1, 2015, all permittees were in "Baseline status." *See* 2015 Permit, Section XII(B). A permittee's Baseline status for any given parameter changes to "Level 1 status" if sampling results indicate an NAL exceedance for that same parameter. *See* 2015 Permit, Section XII(C). Level 1 status commences on July 1 following the reporting year during which the exceedance(s) occurred. *See* 2015 Permit, Section XII(C). By October 1 following commencement of Level 1 status, permittees are required to: complete an evaluation, with the assistance of a QISP, of the industrial pollutant sources at the facility that are or may be related to the NAL exceedance(s); and identify in the evaluation the corresponding BMPs in the SWPPP and any additional BMPs and SWPPP revisions necessary to prevent future NAL exceedances and to comply with the requirements of Storm Water Permit. *See* 2015 Permit,

[13] The SWPPP states that the Facility operating hours are: "Monday – Friday…9 to 15 hours per day, Saturday…8 to 12 hours, (Sunday for specific jobs only)."

[14] As is shown in Exhibit 2 it rained 0.86 inches on Wednesday, February 16, 2011. The Facility Owner and/or Operator collected storm water samples from the Facility during a rain event of 0.75 inches on Friday, March 8, 2013. Accordingly, it is likely that the rain event on February 16, 2011, produced a discharge from the Facility.

Section XII(C)(1)(a)-(c). Although the evaluation may focus on the drainage areas where the NAL exceedance(s) occurred, all drainage areas shall be evaluated. *See* 2015 Permit, Section XII(C)(1)(c).

Based upon this Level 1 status evaluation, the permittee is required to, as soon as practicable but no later than January 1 following commencement of Level 1 status, revise the SWPPP as necessary and implement any additional BMPs identified in the evaluation, certify and submit via SMARTS a Level 1 ERA Report prepared by a QISP that includes the a summary of the Level 1 ERA Evaluation and a detailed description of the SWPPP revisions and any additional BMPs for each parameter that exceeded an NAL. *See* 2015 Permit, Section XII(C)(2)(a)(i)-(ii). The permittee in Level 1 status must also certify and submit via SMARTS the QISP's identification number, name, and contact information (telephone number, e-mail address) no later than January 1 following commencement of Level 1 status. *See* 2015 Permit, Section XII(C)(2)(a)(iii). A permittee's Level 1 status for a parameter will return to Baseline status once a Level 1 ERA report has been completed, all identified additional BMPs have been implemented, and results from four (4) consecutive qualified storm events that were sampled subsequent to BMP implementation indicate no additional NAL exceedances for that parameter. *See* 2015 Permit, Section XII(C)(2)(b).

The Facility Owner and/or Operator is in Level 1 status for iron based on NAL exceedances during the 2015-2016 reporting year. Specifically, the annual average for iron during the 2015-2016 reporting year was 1.674 mg/L, which is above the NAL for iron of 1.0 mg/L. The compliance group in which the Facility Owner and/or Operator is a member submitted a report titled: "Consolidated Exceedance Response Action Level 1 Report BMI Ready Mixed Concrete Group (#241)" dated November 30, 2016 ("Consolidated Report").

The Consolidated Report is inadequate. For example, rather than conducting an evaluation to identify the BMPs in the SWPPP at the Facility that correspond to the iron NAL exceedance at the Facility, the Consolidated Report states that the annual average NAL for iron is too low, and recommends no additional or improved BMPs to specifically address iron NAL exceedances at the Facility. *See* Consolidated Report, pp. 15-17. The Consolidated Report does cite sweeping as existing BMPs for iron at the compliance group facilities. *See* Consolidated Report, pp. 15-18. However, the Facility SWPPP expressly identifies sweeping as a BMP that is not effective at addressing iron: "Two pollutants that are difficult to control are pH and Iron. Both of these are present in cement. Cement dust is very fine and it is difficult to sweep it up to a level that does not adversely impact storm water." *See* Facility SWPPP, Section 7.0 (Assessment of Potential Pollutant Sources). Nor did the "screening experiment" cited in the Consolidated Report evaluate cement dust as a source of iron. *See* Consolidated Report, pp. 15-18. Accordingly, the Consolidated Report in no way meets the requirements of Section XII(C) of the 2015 Permit.

The Facility Owner and/or Operator has failed and continues to fail to conduct a Level 1 status evaluation and submit a Level 1 ERA Report, and/or have conducted an inadequate Level 1 status evaluation and submitted an inadequate Level 1 ERA Report that fails to comply with

the Storm Water Permit. As such, the Facility Owner and/or Operator is in daily violation of the Storm Water Permit. Every day the Facility Owner and/or Operator conducts operations at the Facility without a Level 1 status evaluation and/or a Level 1 ERA Report, and/or an adequate Level 1 status evaluation and/or an adequate Level 1 ERA Report, as required by the Storm Water Permit is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). The Facility Owner and/or Operator has been in daily and continuous violation of the Storm Water Permit's Level 1 status ERA requirements every day since at least July 1, 2016. These violations are ongoing, and Waterkeeper will include additional violations when information becomes available. The Facility Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since July 1, 2016.

## IV. RELIEF SOUGHT FOR VIOLATIONS OF THE CLEAN WATER ACT

Pursuant to Section 309(d) of the Clean Water Act, 33 U.S.C. § 1319(d), and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. § 19.4, each separate violation of the Clean Water Act subjects the violator to a penalty for all violations occurring during the period commencing five years prior to the date of the Notice Letter. These provisions of law authorize civil penalties of $37,500.00 per day per violation for all Clean Water Act violations after January 12, 2009 and $51,570.00 per day per violation for violations that occurred after November 2, 2015.

In addition to civil penalties, Waterkeeper will seek injunctive relief preventing further violations of the Clean Water Act pursuant to Sections 505(a) and (d), 33 U.S.C. § 1365(a) and (d), declaratory relief, and such other relief as permitted by law.

Lastly, pursuant to Section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d), Waterkeeper will seek to recover its costs, including attorneys' and experts' fees, associated with this enforcement action.

## V. CONCLUSION

Waterkeeper is willing to discuss effective remedies for the violations described in this Notice Letter. However, upon expiration of the 60-day notice period, Waterkeeper will file a citizen suit under Section 505(a) of the Clean Water Act for Davis Wire's violations of the Storm Water Permit.

If you wish to pursue settlement discussions please contact Waterkeeper's legal counsel:

Drevet Hunt
Caroline Koch
Lawyers for Clean Water, Inc.
1004A O'Reilly Avenue
San Francisco, California 94129
Tel: (415) 440-6520

Sincerely,

Bruce Reznik
Executive Director
Los Angeles Waterkeeper

Garry Brown
Executive Director
Orange County Coastkeeper
Inland Empire Waterkeeper

**SERVICE LIST**

VIA U.S. MAIL

Jeffrey Sessions, Attorney General
U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Scott Pruitt
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Alexis Strauss
Acting Regional Administrator
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, California 94105

Thomas Howard
Executive Director
P.O. Box 100
Sacramento, California 95812

Kurt Berchtold
Executive Officer
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, California 92501

EXHIBIT 1

| Sample collected by Waterkeeper (W) or Discharger (D) | Date of sample collection | Sample Location | Parameter | Result | Units | Benchmark | Magnitude of Benchmark Exceedance | California Toxics Rule Criteria/WQO | Magnitude of CTR/WQO Exceedance |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | |
| D | 3/29/06 0:00 | Jasmine Street Driveway | Electrical Conductivity @ 25 Deg. C | 388 | umhos/cm | 200 | 1.94 | none | n/a |
| D | 3/29/06 0:00 | Jasmine Street Driveway | Iron, Total | 40 | ug/L | 100 | 0.4 | none | n/a |
| D | 3/29/06 0:00 | Jasmine Street Driveway | Nitrite Plus Nitrate (as N) | 1.13 | mg/L | 0.68 | 1.661764706 | none | n/a |
| D | 3/29/06 0:00 | Jasmine Street Driveway | Total Suspended Solids (TSS) | 34 | mg/L | 100 | 0.34 | none | n/a |
| D | 3/29/06 0:00 | Jasmine Street Driveway | pH | 10.85 | SU | 6.0-9.0 | 1.85 | 6.5-8.5 | 2.35 |
| | | | | | | | | | |
| D | 4/5/10 10:30 | Jasmine Street Driveway | Electrical Conductivity @ 25 Deg. C | 205 | umhos/cm | 200 | 1.025 | none | n/a |
| D | 4/5/10 10:30 | Jasmine Street Driveway | Iron, Total | 1300 | ug/L | 100 | 13 | none | n/a |
| D | 4/5/10 10:30 | Jasmine Street Driveway | Total Suspended Solids (TSS) | 73 | mg/L | 100 | 0.73 | none | n/a |
| D | 4/5/10 10:30 | Jasmine Street Driveway | pH | 10.4 | SU | 6.0-9.0 | 1.4 | 6.5-8.5 | 1.9 |
| | | | | | | | | | |
| D | 3/8/13 8:00 | Jasmine Street Driveway | Electrical Conductivity @ 25 Deg. C | 175 | umhos/cm | 200 | 0.875 | none | n/a |
| D | 3/8/13 8:00 | Jasmine Street Driveway | Iron, Total | 0.491 | mg/L | 1 | 0.491 | none | n/a |
| D | 3/8/13 8:00 | Jasmine Street Driveway | Nitrite Plus Nitrate (as N) | 1.88 | mg/L | 0.68 | 2.764705882 | none | n/a |
| D | 3/8/13 8:00 | Jasmine Street Driveway | Oil and Grease | 0 | mg/L | 15 | 0 | none | n/a |
| D | 3/8/13 8:00 | Jasmine Street Driveway | Total Suspended Solids (TSS) | 11 | mg/L | 100 | 0.11 | none | n/a |
| D | 3/8/13 8:00 | Jasmine Street Driveway | pH | 7.84 | SU | 6.0-9.0 | none | 6.5-8.5 | none |
| | | | | | | | | | |
| D | 9/15/15 0:00 | Jasmine Street Driveway | Iron, Total | 0.238 | mg/L | 1 | 0.238 | none | n/a |
| D | 9/15/15 0:00 | Jasmine Street Driveway | Oil and Grease | 2.3 | mg/L | 15 | 0.153333333 | none | n/a |
| D | 9/15/15 0:00 | Jasmine Street Driveway | Total Suspended Solids (TSS) | 10 | mg/L | 100 | 0.1 | none | n/a |
| D | 9/15/15 0:00 | Jasmine Street Driveway | pH | 10 | SU | 6.0-9.0 | 1 | 6.5-8.5 | 1.5 |
| D | 1/5/16 9:15 | Jasmine Street Driveway | Copper, Total | 0.00853 | mg/L | 0.0332 | 0.256927711 | 0.033 | 0.258484848 |
| D | 1/5/16 9:15 | Jasmine Street Driveway | Iron, Total | 3.11 | mg/L | 1 | 3.11 | none | n/a |
| D | 1/5/16 9:15 | Jasmine Street Driveway | Lead, Total | 0.00267 | mg/L | 0.262 | 0.01019084 | 0.26 | 0.010269231 |
| D | 1/5/16 9:15 | Jasmine Street Driveway | Oil and Grease | 4.49 | mg/L | 15 | 0.299333333 | none | n/a |
| D | 1/5/16 9:15 | Jasmine Street Driveway | Total Suspended Solids (TSS) | 55 | mg/L | 100 | 0.55 | none | n/a |
| D | 1/5/16 9:15 | Jasmine Street Driveway | pH | 9.4 | SU | 6.0-9.0 | 0.4 | 6.5-8.5 | 0.9 |

| Sample collected by Waterkeeper (W) or Discharger (D) | Date of sample collection | Sample Location | Parameter | Result | Units | Benchmark | Magnitude of Benchmark Exceedance | California Toxics Rule Criteria/WQO | Magnitude of CTR/WQO Exceedance |
|---|---|---|---|---|---|---|---|---|---|
| D | 10/24/16 8:30 | Jasmine Street Driveway | Total Suspended Solids (TSS) | 156 | mg/L | 100 | 1.56 | none | n/a |
| D | 10/24/16 8:30 | Jasmine Street Driveway | Oil and Grease | 2.82 | mg/L | 15 | 0.19 | none | n/a |
| D | 10/24/16 8:30 | Jasmine Street Driveway | Iron, Total | 2.73 | mg/L | 1 | 2.73 | none | n/a |
| D | 10/24/16 8:30 | Jasmine Street Driveway | pH | 7.3 | SU | 6.0-9.0 | n/a | 6.5-8.5 | n/a |
| W | 12/15/16 11:42 | Jasmine Street Driveway | Nitrite Plus Nitrate (as N) | 1.3 | mg/L | 0.68 | 1.911764706 | none | n/a |
| W | 12/15/16 11:42 | Jasmine Street Driveway | Aluminum | 1.5 | mg/L | 0.75 | 2 | none | n/a |
| W | 12/15/16 11:42 | Jasmine Street Driveway | Copper, Total | 0.0042 | mg/L | 0.0332 | 0.13 | 0.033 | 0.127272727 |
| W | 12/15/16 11:42 | Jasmine Street Driveway | Lead, Total | 0.0012 | mg/L | 0.262 | 0.004580153 | 0.26 | 0.004615385 |
| W | 12/15/16 11:42 | Jasmine Street Driveway | Iron, Total | 1.9 | mg/L | 1 | 1.9 | none | n/a |
| W | 12/15/16 11:42 | Jasmine Street Driveway | Zinc, Total | 0.029 | mg/L | 0.26 | 0.111538462 | 0.26 | 0.111538462 |
| W | 12/15/16 11:42 | Jasmine Street Driveway | Oil and Grease | ND | mg/L | 15 | n/a | none | n/a |
| W | 12/15/16 11:42 | Jasmine Street Driveway | Total Suspended Solids (TSS) | 32 | mg/L | 100 | 0.32 | none | n/a |
| W | 12/15/16 11:42 | Jasmine Street Driveway | Chemical Oxygen Demand | 30 | mg/L | 120 | 0.25 | 30 | 1 |
| W | 12/15/16 11:42 | Jasmine Street Driveway | Biochemical Oxygen Demand | 4.3 | mg/L | 30 | 0.143333333 | none | n/a |
| W | 12/15/16 11:42 | Jasmine Street Driveway | pH | 8.24 | SU | 6.0-9.0 | n/a | 6.5-8.5 | n/a |
| W | 1/9/17 0:00 | Santa Ana Driveway | Nitrite Plus Nitrate (as N) | 1.2 | mg/L | 0.68 | 1.764705882 | none | n/a |
| W | 1/9/17 0:00 | Santa Ana Driveway | Aluminum | 550 | ug/L | 750 | 0.733333333 | none | n/a |
| W | 1/9/17 0:00 | Santa Ana Driveway | Copper, Total | 3.9 | ug/L | 33.2 | 0.11746988 | 33 | 0.118181818 |
| W | 1/9/17 0:00 | Santa Ana Driveway | Zinc, Total | 35 | ug/L | 260 | 0.134615385 | 260 | 0.134615385 |
| W | 1/9/17 0:00 | Santa Ana Driveway | pH | 9.08 | SU | 6.0-9.0 | 0.08 | 6.5-8.5 | 0.58 |
| W | 1/9/17 0:00 | Santa Ana Driveway | Lead, Total | 0.56 | ug/L | 262 | 0.002137405 | 260 | 0.002153846 |
| W | 1/9/17 0:00 | Santa Ana Driveway | Iron, Total | 0.53 | mg/L | 1 | 0.53 | none | n/a |
| W | 1/9/17 0:00 | Santa Ana Driveway | Oil and Grease | ND | mg/L | 15 | n/a | none | n/a |
| W | 1/9/17 0:00 | Santa Ana Driveway | Total Suspended Solids (TSS) | 6.6 | mg/L | 100 | 0.066 | none | n/a |
| W | 1/9/17 0:00 | Santa Ana Driveway | Chemical Oxygen Demand | ND | mg/L | 120 | n/a | 30 | n/a |
| W | 1/9/17 0:00 | Santa Ana Driveway | Biochemical Oxygen Demand | 5.8 | mg/L | 30 | 0.193333333 | none | n/a |
| D | 1/9/17 0:00 | Jasmine Street Driveway | Total Suspended Solids (TSS) | 10.3 | mg/L | 100 | 0.103 | none | n/a |
| D | 1/9/17 0:00 | Jasmine Street Driveway | Oil and Grease | ND | mg/L | 15 | n/a | none | n/a |
| D | 1/9/17 0:00 | Jasmine Street Driveway | Iron | 0.481 | mg/L | 1 | 0.481 | none | n/a |
| D | 1/9/17 0:00 | Jasmine Street Driveway | pH | 7.4 | SU | 6.0-9.0 | n/a | 6.5-8.5 | n/a |
| | | | | | | **Total Exceedances** | **15** | | **5** |

EXHIBIT 2

| Date | Day of Week | Rain Inches |
|---|---|---|
| 1/30/11 | Sunday | 0.12 |
| 2/16/11 | Wednesday | 0.86 |
| 2/18/11 | Friday | 0.95 |
| 2/19/11 | Saturday | 0.63 |
| 2/20/11 | Sunday | 0.12 |
| 3/2/11 | Wednesday | 0.19 |
| 3/7/11 | Monday | 0.12 |
| 3/19/11 | Saturday | 0.28 |
| 3/20/11 | Sunday | 2.16 |
| 3/21/11 | Monday | 1.14 |
| 3/23/11 | Wednesday | 0.52 |
| 3/25/11 | Friday | 0.75 |
| 4/18/11 | Monday | 0.16 |
| 5/8/11 | Sunday | 0.2 |
| 7/31/11 | Sunday | 0.35 |
| 10/5/11 | Wednesday | 1.61 |
| 10/6/11 | Thursday | 0.16 |
| 11/4/11 | Friday | 0.43 |
| 11/6/11 | Sunday | 0.2 |
| 11/20/11 | Sunday | 1.02 |
| 12/12/11 | Monday | 0.91 |
| 12/15/11 | Thursday | 0.23 |
| 1/21/12 | Saturday | 0.67 |
| 1/23/12 | Monday | 0.59 |
| 2/11/12 | Saturday | 0.16 |
| 2/15/12 | Wednesday | 0.67 |
| 2/27/12 | Monday | 0.75 |
| 3/17/12 | Saturday | 2.05 |
| 3/18/12 | Sunday | 0.94 |
| 3/25/12 | Sunday | 1.22 |
| 3/26/12 | Monday | 0.44 |
| 3/31/12 | Saturday | 0.31 |
| 4/11/12 | Wednesday | 0.79 |
| 4/13/12 | Friday | 1.18 |
| 4/26/12 | Thursday | 0.63 |
| 5/2/12 | Wednesday | 0.31 |
| 10/11/12 | Thursday | 0.12 |
| 11/8/12 | Thursday | 0.23 |
| 11/13/12 | Tuesday | 0.12 |
| 11/17/12 | Saturday | 0.59 |
| 11/29/12 | Thursday | 0.31 |

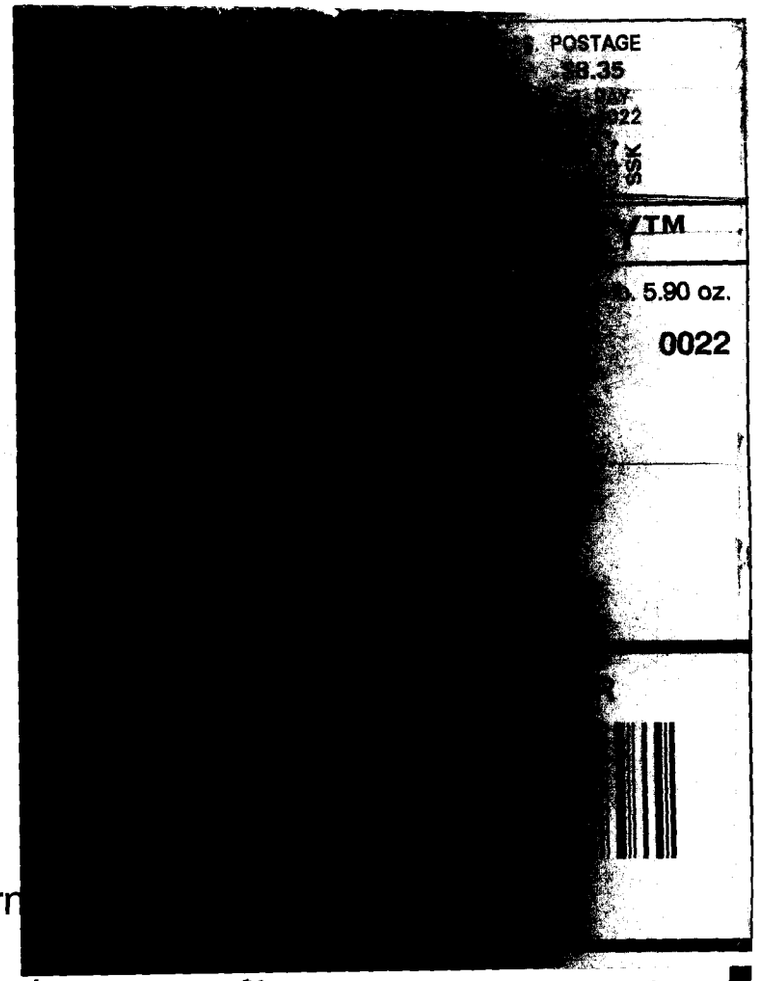
| Date | Day of Week | Rain Inches |
|---|---|---|
| 11/30/12 | Friday | 0.63 |
| 12/2/12 | Sunday | 0.2 |
| 12/3/12 | Monday | 0.79 |
| 12/16/12 | Sunday | 0.16 |
| 12/18/12 | Tuesday | 0.71 |
| 12/24/12 | Monday | 0.47 |
| 12/26/12 | Wednesday | 0.75 |
| 12/30/12 | Sunday | 0.39 |
| 1/10/13 | Thursday | 0.43 |
| 1/24/13 | Thursday | 1.15 |
| 1/25/13 | Friday | 0.78 |
| 1/27/13 | Sunday | 0.24 |
| 2/9/13 | Saturday | 0.31 |
| 2/19/13 | Tuesday | 0.83 |
| 3/7/13 | Thursday | 0.11 |
| 3/8/13 | Friday | 0.75 |
| 4/15/13 | Monday | 0.2 |
| 5/6/13 | Monday | 0.47 |
| 5/7/13 | Tuesday | 0.12 |
| 10/9/13 | Wednesday | 0.87 |
| 10/28/13 | Monday | 0.23 |
| 11/20/13 | Wednesday | 0.12 |
| 11/21/13 | Thursday | 0.95 |
| 11/29/13 | Friday | 0.11 |
| 12/3/13 | Tuesday | 0.2 |
| 12/19/13 | Thursday | 0.19 |
| 2/6/14 | Thursday | 0.16 |
| 2/27/14 | Thursday | 0.83 |
| 2/28/14 | Friday | 2.2 |
| 3/1/14 | Saturday | 0.75 |
| 3/26/14 | Wednesday | 0.75 |
| 4/1/14 | Tuesday | 0.43 |
| 4/2/14 | Wednesday | 0.24 |
| 4/25/14 | Friday | 0.35 |
| 4/26/14 | Saturday | 0.12 |
| 5/6/14 | Tuesday | 0.28 |
| 8/20/14 | Wednesday | 0.35 |
| 9/16/14 | Tuesday | 0.28 |
| 10/31/14 | Friday | 0.16 |
| 11/1/14 | Saturday | 0.67 |
| 11/21/14 | Friday | 0.19 |

| Date | Day of Week | Rain Inches |
|---|---|---|
| 11/30/14 | Sunday | 0.43 |
| 12/2/14 | Tuesday | 2.25 |
| 12/3/14 | Wednesday | 1.1 |
| 12/12/14 | Friday | 1.81 |
| 12/16/14 | Tuesday | 0.2 |
| 12/17/14 | Wednesday | 1.26 |
| 1/11/15 | Sunday | 0.48 |
| 1/26/15 | Monday | 0.51 |
| 2/22/15 | Sunday | 1.02 |
| 2/23/15 | Monday | 0.67 |
| 2/28/15 | Saturday | 0.39 |
| 3/1/15 | Sunday | 0.2 |
| 3/2/15 | Monday | 0.35 |
| 4/7/15 | Tuesday | 0.2 |
| 4/25/15 | Saturday | 0.28 |
| 5/8/15 | Friday | 0.39 |
| 5/14/15 | Thursday | 0.83 |
| 5/15/15 | Friday | 0.27 |
| 7/18/15 | Saturday | 0.27 |
| 7/19/15 | Sunday | 0.32 |
| 7/20/15 | Monday | 0.2 |
| 9/15/15 | Tuesday | 1.37 |
| 10/5/15 | Monday | 0.79 |
| 10/19/15 | Monday | 0.16 |
| 11/2/15 | Monday | 0.19 |
| 12/11/15 | Friday | 0.24 |
| 12/13/15 | Sunday | 0.67 |
| 12/19/15 | Saturday | 0.27 |
| 12/22/15 | Tuesday | 1.34 |
| 1/5/16 | Tuesday | 1.89 |
| 1/6/16 | Wednesday | 1.3 |
| 1/7/16 | Thursday | 0.51 |
| 1/31/16 | Sunday | 1.65 |
| 2/18/16 | Thursday | 0.36 |
| 3/11/16 | Friday | 0.4 |
| 4/8/16 | Friday | 0.32 |
| 4/9/16 | Saturday | 0.12 |
| 4/10/16 | Sunday | 0.27 |
| 4/25/16 | Monday | 0.24 |
| 4/27/16 | Wednesday | 0.67 |
| 1/24/17 | Tuesday | 0.2 |

| Date | Day of Week | Rain Inches |
|---|---|---|
| 1/25/17 | Wednesday | 1.3 |
| 1/26/17 | Thursday | 0.47 |
| 1/27/17 | Friday | 0.63 |
| 1/28/17 | Saturday | 0.2 |
| 1/29/17 | Sunday | 1.14 |
| 1/31/17 | Tuesday | 2.04 |
| 2/1/17 | Wednesday | 0.91 |
| 2/2/17 | Thursday | 1.06 |
| 2/5/17 | Sunday | 0.12 |
| 2/13/17 | Monday | 0.2 |
| 2/17/17 | Friday | 2.12 |
| 2/18/17 | Saturday | 0.4 |
| 2/19/17 | Sunday | 0.23 |
| | **Total Rain Days** | **136** |

Drevet Hunt
Lawyers for Clean Water, Inc.
1004 O'Reilly Avenue
San Francisco, California 94129

INSPECTED 8




Jeffrey Sessions, Attorn
U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

9505 5000 1319 7072
006 of 57

X-RAYED
MAR 21 2017
DOJ MAILROOM